

1 BILL NO. G-80-11-10

2 GENERAL ORDINANCE NO. G- 11-81

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a portion of Dodge Avenue.

6 WHEREAS, (1) a petition to vacate a portion of Dodge  
7 Avenue (as more specifically described below) was duly filed  
8 with the City Plan Commission; and (2) said Commission duly  
9 held a public hearing thereon; and (3) said Commission has duly  
10 forwarded its recommendation thereon to this body approving  
11 said petition, all in accordance with I.C. 18-7-4-512(2) (Burns  
12 Ind. Stat. Ann., 1979 Supp.)

13 WHEREAS, this body concurs in the recommendation of the  
14 City Plan Commission:

15 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
16 FORT WAYNE, INDIANA.

17 SECTION 1. That the petition filed herein, copy of  
18 which is attached and made a part hereof, for vacating:

19 Dodge Avenue between Inwood Drive  
20 and U.S. #30.

21 and which would amend the Thoroughfare Plan of the City Com-  
22 prehensive ("Master") Plan is hereby authorized and approved.

23 SECTION 2. That by reason of this authorization, said  
24 petitioner(s) may now proceed with said vacation before the  
25 Fort Wayne Board of Public Works, under I.C. 18-1-6-15, Fifth,  
26 for an administrative order of vacation and an assessment of  
27 benefits and damages to affected property owners, or before  
28 the Allen Circuit or Superior Courts under I.C. 18-5-10-44,  
29 for a judicial decree of vacation and an assessment of bene-  
30 fits and damages to affected property owners.

31 SECTION 3. That the Ordinance shall be effective upon  
32

passage, approval by the Mayor and due legal publication.

Ben A. Ch...  
COUNCILMAN

APPROVED AS TO FORM AND  
LEGALITY NOVEMBER 19, 1980.

John E. Hoffman  
JOHN E. HOFFMAN, City Attorney

Read the first time in full and on motion by Eisbart, seconded by Salerno, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 11-25-80, the 11 day of November, 1980, at 10 o'clock M., E.S.T.

DATE: 11-25-80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GiaQUINTA</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>NUCKOLS</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, D.</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, V.</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHOMBURG</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 7-14-81

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-11-81 on the 14th day of July, 1981.

ATTEST:  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

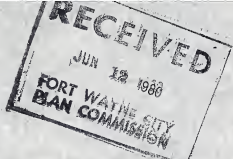
(SEAL)  
John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1981, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 20th day of July, 1981, at the hour of 11 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR



STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN ) OF FORT WAYNE, ALLEN COUNTY, INDIANA

IN RE: VACATION OF A DEAD-  
END STREET

TO WIT: DODGE AVENUE BETWEEN ) PETITION TO VACATE A  
INWOOD DRIVE AND U.S.) DEAD-END STREET  
HIGHWAY NUMBER 30 )

TO: THE FORT WAYNE CITY PLANNING COMMISSION

Come now petitioners, Jesse H. Geller and Dorothy L. Geller, Husband and Wife; John W. Truemper, Jr.; Leo H. Kreischer and Helen A. Kreischer, Husband and Wife; Lydia H. Douglas; and Robert L. Swan, Jr. and Cynthia L. Swan, Husband and Wife, in person and by their counsel, and respectively shows the Commission the following:

1. That Dodge Avenue as originally platted within Inwood Park Addition and later platted as the northern boundary of "Plat of replat of lot numbered four (4) in Inwood Park, an addition to the City of Fort Wayne, Indiana", was to run in an easterly and westerly direction between Inwood Drive and Bueter Avenue; that since the Inwood Park addition has been recorded on April 16, 1923, Bueter Avenue has been widened and is now known as U.S. Highway Number 30; that since the platting of Inwood Park Addition, lot four of Inwood Park Addition has been replatted

and subdivided into seven lots as of July 20, 1959; that lots 9, 10, 11, 12, 13, 14, 15 and 16 of Inwood Park Addition have been replatted as part of Glenwood Park Addition, an addition to the City of Fort Wayne, Indiana.

2. That Dodge Avenue between Inwood Drive and U.S. Highway Number 30 (a/k/a Bueter Avenue) has not been used as a public roadway for at least 57 years, and since the replatting of lot number 4 in Inwood Park, Dodge Avenue has never been used as a public roadway and is now covered with lawn, parts have been fenced in, there are large trees growing within the right-of-way, and telephone poles containing power cables and telephone wires have been placed down the middle of said right-of-way of Dodge Avenue for its entire distance of 404.6 feet between U.S. Highway Number 30 and Inwood Drive.

3. That a plat of Inwood Park Addition is attached hereto, made a part hereof, and marked "Exhibit A"; that a plat of replat of lot number 4 in Inwood Park, an addition to the City of Fort Wayne, Indiana, is attached hereto, made a part hereof, and marked "Exhibit B".

4. That the owners of the land along the south boundary of Dodge Avenue between Inwood Drive and U.S. Highway Number 30 are as follows: Jesse H. Geller and Dorothy L. Geller, Husband and Wife, are owners of lot number seven (7) Replat of lot number four (4) in Inwood Park, an addition to the City of Fort Wayne,

according to the plat of said addition recorded in Book 10 at page 28 of the plat records of said Allen County, Indiana. John W. Truemper, Jr. is the owner of lots numbered two (2) and three (3) of Inwood Park Addition, an addition to the City of Fort Wayne, according to the plat of said addition recorded in Plat Book 10 at page 28 of the plat records of said Allen County, Indiana.

5. That the owners of all real estate that adjoin Dodge Avenue on the north between Inwood Drive and U.S. Highway Number 30 are as follows: (a) Lot number one (1), Glenwood Park, is owned by Leo H. Kreischer and Helen A. Kreischer, Husband and Wife. (b) Lot number three (3), Glenwood Park, is owned by Lydia H. Douglas. (c) Lot number four (4) is owned by Robert L. Swan, Jr. and Cynthia L. Swan, Husband and Wife.

6. That by reason of the ownership aforesaid, said owners of said real estate own to the middle of Dodge Avenue and, if said portion of Dodge Avenue is vacated, would become owners of an additional 25 feet of land abutting their present owned real estate.

7. That said Dodge Avenue for over 20 years has never been used as a public thoroughfare, that it is impossible to drive down that portion of Dodge Avenue for the reason that there are bushes, trees, and fences completely blocking the roadway and

there are also public utility poles placed in the middle of the 50 foot right-of-way for its entire length of 404.6 feet. That in addition, U.S. Highway Number 30 is a limited access federal highway and a fence further blocks access of Dodge Avenue to said highway, and therefore Dodge Avenue would be a dead end street with access only to Inwood Drive with nothing but back yards or side yards adjoining said public thoroughfare.

WHEREFORE, petitioners pray that the Fort Wayne City Plan Commission make a finding, and resolve an order that that portion of the street known as Dodge Avenue and located between the center line of Inwood Drive and the eastern line of U.S. Highway Number 30 be vacated, and for all further just and proper acts and conduct be performed in order that said portion of Dodge Avenue be vacated.

PETERS, TERRILL, PARRISH & LARSON  
Attorneys for Petitioners

By

James L. Larson  
James L. Larson  
12th Floor, Lincoln Bank Tower  
Fort Wayne, Indiana 46802  
Telephone: (219) 423-4487

\* Jesse H. Geller  
Jesse H. Geller

\* Helen A. Kreischer  
Helen A. Kreischer

\* Dorothy L. Geller  
Dorothy L. Geller

\* Lydia H. Douglass  
Lydia H. Douglass

\* John W. Truemper, Jr.  
John W. Truemper, Jr.

\* Robert L. Swan  
Robert L. Swan, Jr.

\* Leo H. Kreischer  
Leo H. Kreischer

\* Cynthia L. Swan  
Cynthia L. Swan

BILL NO. G-80-11-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive  
("Master") Plan by vacating a portion of Dodge Avenue

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

DONALD J. SCHMIDT

7-14-81

CONCURRED IN

DATE CHARLES W. WESTERMAN CITY CLERK





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

22 June 1981

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held December 22, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-80-11-10
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS with condition.

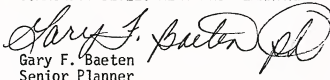
CONDITION: Subject to a GRANT OF EASEMENT for all utilities requesting an easement.

NOTE: The Grant of Easement has been filed and a copy is attached to the original ordinance and on file in the City Plan Commission Office.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb

6/24/81

RESOLUTION 70 220-19

WHEREAS, JESSE H. GELLER and DOROTHY L. GELLER; JOHN W. TRUEMPER, JR.; LEO H. KREISCHER and HELEN A. KREISCHER; LYDIA H. DOUGLAS; and ROBERT L. SWAN, JR. and CYNTHIA L. SWAN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Dodge Avenue between Inwood Drive and U.S. #30

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATED OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Roberta Anderson-Staton, Member of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held June 24, 1981 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 24<sup>th</sup> DAY OF June 1981

FORT WAYNE BOARD OF PUBLIC WORKS

Roberta Anderson-Staton  
Roberta Anderson-Staton, Member

Betty R. Collins  
Betty R. Collins, Member

RESOLUTION

WHEREAS, JESSE H. GELLER and DOROTHY L. GELLER; JOHN W. TRUEMPER, JR.; LEO H. KREISCHER and HELEN A. KREISCHER; LYDIA H. DOUGLAS; and ROBERT L. SWAN, Jr. and CYNTHIA L. SWAN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Dodge Avenue between Inwood Drive and U.S. #30

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on December 15, 1980, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent.

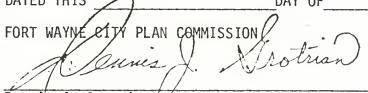
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said street in Allen County, Indiana.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Dennis J. Grotrian, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held December 22, 1980, and as the same appears of record in the official records of said Plan Commission

DATED THIS 22nd DAY OF June 19 81

FORT WAYNE CITY PLAN COMMISSION

  
Dennis J. Grotrian  
Secretary

## RECEIPT

Date

6-26

19

80

No.

15808

Received From

Peter, Terill, et al

Address

1700 General Turner

For

Fifty & 100  
Street Vacation

Dollars \$

50.00

## ACCOUNT

## HOW PAID

AMT. OF  
ACCOUNT

CASH

AMT. PAID

CHECK

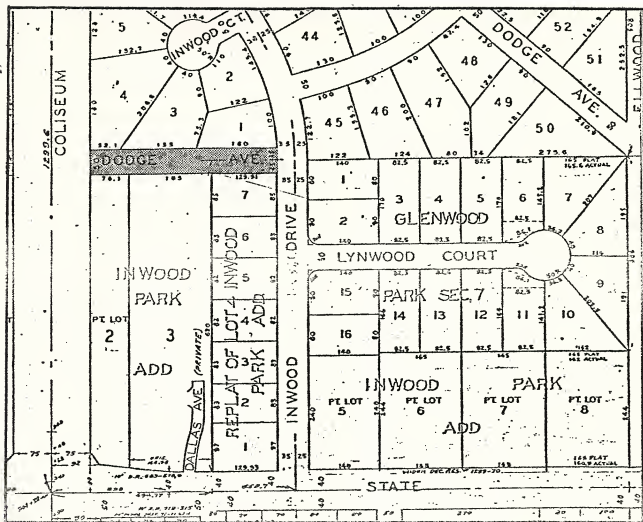
BALANCE  
DUEMONEY  
ORDER

By

P.T.B.

all  
\$500





■ A REQUEST FOR THE VACATION  
OF A DEADEND STREET.

CASE NO.

DATE: 6-26-80

MAP NO. S-18

BY M. GECOWETS 7-29-80



OFFICE OF:

Joseph B. Stoodly Jr. and Associates

REGISTERED LAND SURVEYOR NO. S-0144 INDIANA

9036 KRESS RD.

FORT WAYNE, INDIANA

46809

424-6733

The undersigned Land Surveyor, registered under the Laws of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below:

Measurements were made and monuments set in conformity with the records on file in the office of the Recorder of ALLEN County, Indiana and to the best of my knowledge accurately shown. Any encroachments or discrepancies are shown below.

Legal description of real estate.

LEGAL DESCRIPTION FOR DODGE AVENUE

That portion of Dodge Avenue lying between the East right-of-way line of Coliseum Boulevard East and the West right-of-way line of Inwood Drive, more particularly described as follows:

Beginning at the intersection of the North right-of-way line of Dodge Avenue and the West right-of-way line of Inwood Drive, said point also being the Southeast corner of Lot # 1, Glenwood Park Addition as recorded in Plat Book 23, pages 1 and 2 as recorded in the Allen County Recorders Office; thence West, along the North right-of-way line of Dodge Avenue and the South line of Lots #1, 3 and 4 in said Glenwood Park Addition, 367.1 feet more or less to the East right-of-way line of Coliseum Boulevard East; thence South, along said line, 50.0 feet to the South right-of-way line of Dodge Avenue and the North line of Lot # 2, Inwood Park Addition as recorded in Plat Book 10, page 28 in the Allen County Recorders Office; thence East, along the South right-of-way line of Dodge Avenue and the North line of Lots # 2 and 3 in said Inwood Park Addition and along the North line of Lot # 7 in the Replat of Lot # 4, Inwood Park Addition as recorded in Plat Book 25, pages 26 and 27 in the Allen County Recorders Office, 371.0 feet more or less to the West right-of-way line of Inwood Drive; thence North along said line 50.0 feet to the point of beginning, containing 0.42 acres, more or less.

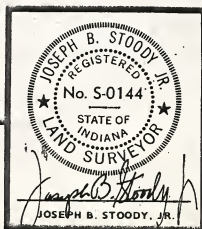
FOR: JAMES LARSON

REVISED: 10-23-80

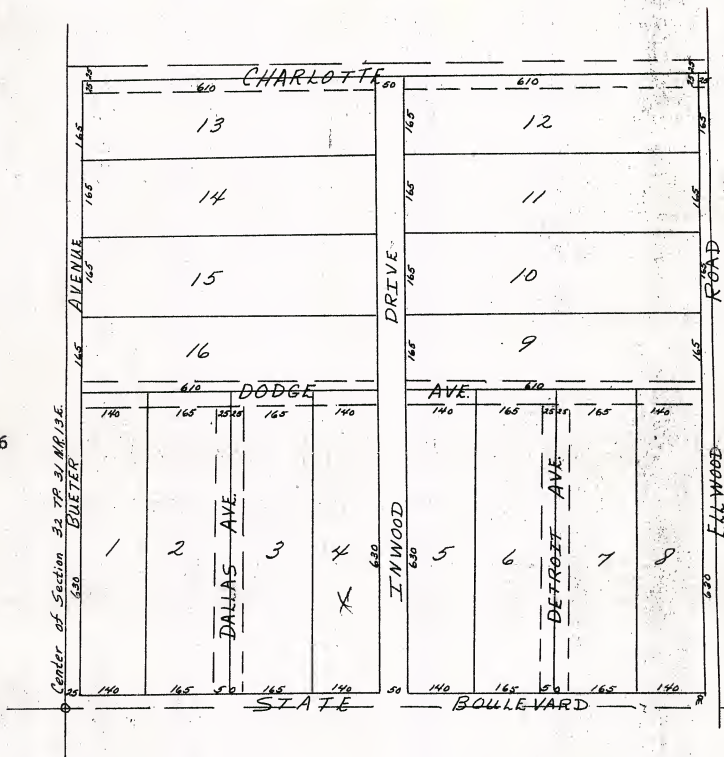
SCALE NA

DATE JULY 16, 1980

JOB NO. 5440



# INWOOD PARK ADDITION



"EXHIBIT A"

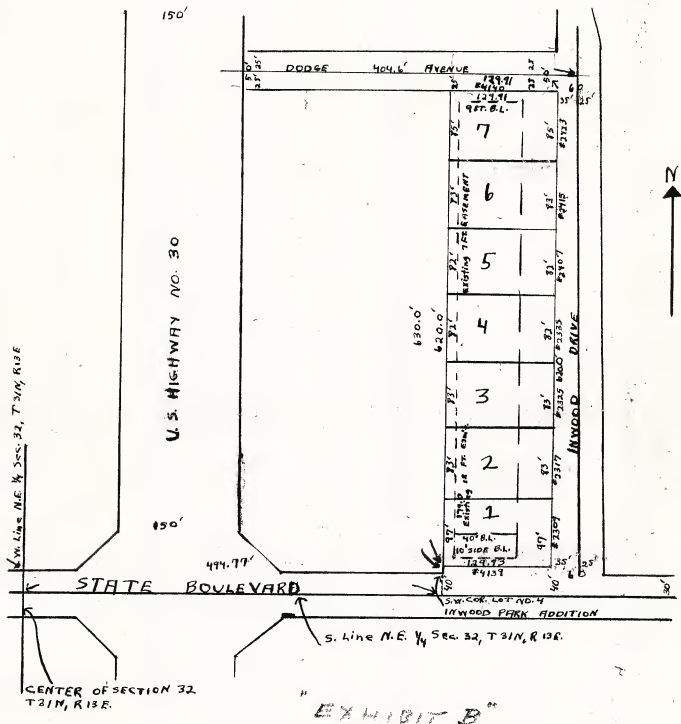
Frederick Bayer, being the owner of the South half (1/2) of the West (1/2) of the north east 1/4 of Section 32, Township 31, North, Range 13 East, in Allen county, Indiana, does hereby subdivide the same in accordance with plat herein shown, to be known as "INWOOD PARK ADDITION" to the City of Fort Wayne.

The lots are numbered 1 to 16 inclusive, and all dimensions are therein noted in feet.



PLAT OF REPLAT OF LOT NUMBERED 4 IN INWOOD  
PARK AN ADDITION TO THE CITY OF FORT WAYNE, INDIANA.

July 20, 1959



Allen County Lumber Co., an Indiana Corporation, by John H. Johnson, as its Secretary, hereby declares that it is the Owner of and does hereby cause to be platted into lots and streets the real estate described below:

Part of lot numbered 4 in Inwood Park, an Addition to the City of Fort Wayne, Indiana, described as follows, to-wit: Beginning at the Southwest corner of lot numbered 4 in Inwood Park, an Addition to the City of Fort Wayne, Indiana, said Southwest corner being on the North line of State Boulevard, a public thoroughfare in the Northeast quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana; thence North 630.0 feet along the West line of the aforementioned lot numbered 4 in Inwood Park, an Addition to the City of Fort Wayne, Indiana, to the Northwest corner thereof; thence East along the North line of the said lot numbered 4, 129.91 feet to the Westerly line of Inwood Drive, a public thoroughfare in the aforementioned Section, Township and Range; thence South along said line 630.0 feet to a point on the South line of the aforementioned lot numbered 4 in Inwood Park Addition; thence West along said line 129.93 feet to the point of beginning, excepting therefrom the South 10.0 feet thereof and the North 25.0 feet thereof for roadway purposes.

The lots are numbered from 1 to 7, both inclusive, and all dimensions are shown in feet and decimal parts of a foot on the Plat. All streets and easements specifically shown or described are hereby expressly dedicated to public use for their usual and intended purposes.

IN WITNESS WHEREOF, Allen County Lumber Co., by John H. Johnson, as its Secretary, Owner of the real estate described in said Plat has hereunto set its hand this 20th day of July, 1959.

(Corporate Seal)

STATE OF INDIANA

COUNTY OF ALLEN

} SS

Allen County Lumber Co.

By: John H. Johnson, as it Secretary.

Before me, the undersigned Notary Public, in and for said County and State, this 20th day of July, 1959 appeared Allen County Lumber Co., an Indiana Corporation, by John H. Johnson, as its Secretary, and acknowledged the execution of the foregoing to be its voluntary act and deed for the uses and purposes therein mentioned.

(Notary Seal)

By: Margaret L. Graham, Notary Public.

The undersigned Civil Engineer, registered as provided by Indiana Statutes, hereby certifies that he has laid out the lots of the REPLAT OF LOT NUMBERED 4 in INWOOD PARK, an Addition to the City of Fort Wayne, Indiana as shown on the Plat herewith and in conformity with the true and established lines of real estate described. The lots are numbered from 1 to 7, both inclusive and the dimensions are shown on the Plat in feet and decimals.

IN WITNESS WHEREOF, the said Civil Engineer has hereunto set his hand and seal this 20th day of July, 1959.

(Seal)

By: Harry K. Gottschalk, Reg. Prof. C. E.

RESTRICTIONS, COVENANTS, LIMITATIONS AND APPROVALS  
FOR REPLAT OF LOT NUMBERED 4 IN INWOOD PARK AN  
ADDITION TO THE CITY OF FORT WAYNE, INDIANA

All the lots in said Addition shall be subject to and impressed with the covenants, agreements, easements, restrictions, limitations and charges hereinafter set forth; and they shall be considered a part of the conveyance of any lot in said Addition without being written therein. The provisions herein contained are for the mutual benefit and protection of the owners, present or future, of any and all lots in said Addition; and they shall run with the land and shall inure to the benefit of and be enforceable by the owner, or owners, of any land or lots included in said Addition, their respective legal representatives, heirs, successors, grantees and assigns. The owner, or owners, present or future, of any land or lot included in said Addition shall be entitled to injunctive relief against any violation, or attempted violation, of the provisions hereof, and also damages for any injuries resulting from any violation thereof; but there shall be no right of reversion or forfeiture of title resulting from such violation.

1. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and a private garage for not more than two cars.

2. DWELLING SIZE: No residence shall be erected upon any lot in the Addition as hereinafter defined having a ground floor square foot area of less than 1300 square feet of living area, in the case of a one-story structure, or less than 672 square feet of living area, in the case of a two-story structure, or less than 960 square feet of living area in a split level structure.

3. EASEMENTS: Easements for the installation and maintenance of public utilities and sewer and drainage facilities in, over, on and under lands and lots in said Addition are reserved as shown on the Plat.

4. BUILDING LOCATION: Any building or other improvements

GRANT OF PERMANENT EASEMENT

THIS INDENTURE WITNESSETH, THAT Jesse H. Geller and Dorothy L. Geller, husband and wife; John W. Truemper, Jr.; Leo H. Kreischer and Helen A. Kreischer, husband and wife; Lydia H. Douglas; and Robert L. Swan, Jr. and Cynthia L. Swan, husband and wife, over the age of twenty-one (21) years, of Allen County, Indiana, hereinafter referred to as "GRANTORS" do hereby grant in consideration of One Dollar (\$1.00) and other good and valuable consideration to, CITIZENS CABLE OF FORT WAYNE, d/b/a FORT WAYNE CABLEVISION, INC. an Indiana Corporation, INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana Corporation, GENERAL TELEPHONE COMPANY OF INDIANA, INC., an Indiana Corporation, and CITY OF FORT WAYNE, INDIANA, a municipal corporation, hereinafter called the "GRANTEES" a permanent easement for utility purposes to construct, operate, use, maintain, repair, renew and remove a line or lines of overhead and under ground facilities and equipment for the transmission of electrical energy, for the transmission of telephone signals, for the transmission of television signals and for a sewer line above, below, and across the following described real estate in St. Joseph Township, County of Allen, State of Indiana, and being a part of Section 32, Township 31 North, and Range 13 East, to-wit:

That portion of Dodge Avenue lying between the East right-of-way line of Coliseum Boulevard East and the West right-of-way line of Inwood Drive, more particularly described as follows:

Beginning at the intersection of the North right-of-way line of Dodge Avenue and the West right-of-way line of Inwood Drive, said point also being the Southeast corner of Lot #1, Glenwood Park Addition as recorded in Plat Book 23, pages 1 and 2 as recorded in the Allen County Recorders Office; thence West, along the North right-of-way line of Dodge Avenue and the South

1991 MAY 14 PM 3:13  
ALLEN COUNTY RECORDER  
*Virginia L. Young*

DULY ENTERED FOR TAXATION

MAY 14 1981

*Helene J. Douglas*  
AUDITOR OF ALLEN COUNTY

-1991 cc do not

43  
42

line of Lots #1, 3 and 4 in said Glenwood Park Addition, 367.1 feet more or less to the East right-of-way line of Coliseum Boulevard East; thence South, along said line, 50.0 feet to the South right-of-way line of Dodge Avenue and the North line of Lot #2, Inwood Park Addition as recorded in Plat Book 10, page 28 in the Allen County Recorders Office; thence East, along the South right-of-way line of Dodge Avenue and the North line of #2 and 3 in said Inwood Park Addition and along the North line of Lot #7 in the Replat of Lot #4, Inwood Park Addition as recorded in Plat Book 25, pages 26 and 27 in the Allen County Recorders Office, 371.0 feet more or less to the West right-of-way of Inwood Drive; thence North along said line 50.0 feet to the point beginning, containing 0.42 acres, more or less.

IN WITNESS WHEREOF, the said Jesse H. Geller and Dorothy L. Geller, husband and wife; John W. Truemper, Jr.; Leo H. Kreischer and Helen A. Kreischer, husband and wife; Lydia H. Douglas\$ and Robert L. Swan, Jr. and Cynthia L. Swan, husband and wife, have hereunto set their hands and seals this 22nd day of April, 1981.

Jesse H. Geller  
Jesse H. Geller

Dorothy L. Geller  
Dorothy L. Geller

John W. Truemper, Jr.  
John W. Truemper, Jr.

Leo Kreischer  
Leo H. Kreischer

Helen A. Kreischer  
Helen A. Kreischer

Lydia H. Douglas\$  
Lydia H. Douglas\$

Robert L. Swan, Jr.  
Robert L. Swan, Jr.

Cynthia L. Swan  
Cynthia L. Swan

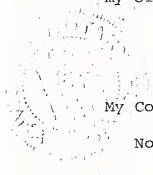
This instrument prepared by: James L. Larson  
12th Floor-Lincoln Bank Tower  
Fort Wayne, Indiana 46802  
Telephone: 219-423-4487


ACKNOWLEDGEMENT

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this 22nd day of April, 1981, personally appeared the within named Jesse H. Geller, Dorothy L. Geller, John W. Truemper, Jr., Leo H. Kreischer, Helen A. Kreischer, Lydia H. Douglas, Robert L. Swan, Jr. and Cynthia L. Swan, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal.



  
\_\_\_\_\_  
James L. Larson, Notary Public  
A Resident of Allen County, Indiana

My Commission Expires:

November 13, 1983

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance G-80-11-10

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Dodge Avenue between Inwood Drive and U.S. #30.

EFFECT OF PASSAGE Property is now public right-of-way. Property will be closed for public use and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

Ref



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

July 22, 1981

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of  
July 25 and August 1, 1981, in both the News Sentinel and  
Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. Z-81-05-04  
Zoning Map Ordinance No. Z-20-81

Bill No. G-80-11-10  
General Ordinance No. G-11-81

Bill No. Z-81-05-25  
Zoning Map Ordinance No. Z-22-81

Bill No. Z-81-05-03  
Zoning Map Ordinance No. Z-19-81

Bill No. Z-81-03-36  
Zoning Map Ordinance No. Z-18-81

Bill No. Z-81-05-21  
Zoning Map Ordinance No. Z-21-81

Please send us 22 copies of the Publisher's Affidavit from both  
newspapers.

Thank you.

Sincerely,  
*Charles W. Westerman*  
Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1





**Fort Wayne Common Council**

(Governmental Unit)

To NEWS-SENTINEL Dr.**Allen**

County, Ind

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines 127Tail number of lines 2Total number of lines in notice 129**COMPUTATION OF CHARGES**129 lines, 1 columns wide equals 129 equivalent lines at .276¢ \$ 35.60  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 20 extra 10.00TOTAL AMOUNT OF CLAIM \$ 45.60**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. RooseTitle CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana  
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, saysthat she is CLERK of the NEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town \_\_\_\_\_in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 7/25 - 8/1/81Subscribed and sworn to before me this 1 st day of Aug. 19 81November 29, 1981

My commission expires \_\_\_\_\_

Notary Public



**Port Wayne Common Council**

(Governmental Unit)

**Allen**

County, Ind.

To JOURNAL-GAZETTE Dr.FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	<u>1</u>
Head	number of lines	<u>127</u>
Body	number of lines	<u>2</u>
Tail	number of lines	<u>129</u>
Total number of lines in notice		<u>129</u>

**COMPUTATION OF CHARGES**

<u>129</u> lines, <u>1</u> columns wide equals <u>129</u> equivalent lines at <u>.276¢</u> cents per line	<u>\$ 35.60</u>
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) <u>20 extra</u>	<u>10.00</u>
TOTAL AMOUNT OF CLAIM.	<u>\$ 45.60</u>

**DATA FOR COMPUTING COST**

Width of single column <u>9.6</u> picas	Size of type <u>6</u> point
Number of insertions <u>2</u>	Size of quad upon which type is cast <u>6</u>

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arvilla DeWald*Date Aug. 1 19 81Title CLERK

Form 904

**PUBLISHER'S AFFIDAVIT**State of Indiana  
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is CLERK of the**JOURNAL-GAZETTE**

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 7/25 - 8/1/81

Subscribed and sworn to before me this 1st day of Aug. 19 81

*James M. Perkins*  
Notary Public

My commission expires November 29, 1981

Notice is hereby given that the 14th day of August, 1981, at 10:00 A.M., the City of Fort Wayne, Indiana, will hold a public hearing at the City Clerk's Office, 100 North Washington Street, Fort Wayne, Indiana, to consider and act upon the following Ordinance:

**ORDINANCE NO. 2-81-05-04**

AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA, TO AMEND THE CITY CHARTER, AS AMENDED, BY CHANGING THE NAME OF THE CITY CLERK FROM "CLERK" TO "CLERK OF THE CITY OF FORT WAYNE, INDIANA".

CHARLES W. WARD, Mayor

Notice is hereby given that the 14th day of August, 1981, at 10:00 A.M., the City of Fort Wayne, Indiana, will hold a public hearing at the City Clerk's Office, 100 North Washington Street, Fort Wayne, Indiana, to consider and act upon the following Ordinance:

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CHARLES W. WARD, Mayor

**Fort Wayne Common Council**

(Governmental Unit)

**Allen**

County, Ind.

To **JOURNAL-GAZETTE** Dr.

**FORT WAYNE, INDIANA**

**PUBLISHER'S CLAIM**

**LINE COUNT**

Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-04 — Zoning Map Ordinance No. Z-20-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-2	not exceed two actual lines, neither of which shall total more than four solid lines which the body of the advertisement is set — number of equivalent lines	
Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-11-10 — General Ordinance No. G-11-81, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by veeling a portion of Dodge Avenue.		<b>127</b>
Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-25 — Zoning Map Ordinance No. Z-22-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-10.		<b>2</b>
Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-21, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-14.	of lines in notice	<b>129</b>

COM Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-25 — Zoning Map Ordinance No. Z-22-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-10.	1 columns wide equals 129 equivalent lines at .276¢	\$ 35.60
Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-21, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-14.	20 extra	10.00
Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-25 — Zoning Map Ordinance No. Z-22-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. U-18.		\$ 45.60

DAT Notice is hereby given that on the 14th day of July, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-05-38 — Zoning Map Ordinance No. Z-18-81 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. U-18.	in 9.6 picas	Size of type..... 6.....point
Purs I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-81-05-04 — Zoning Map Ordinance No. Z-20-81; Bill No. G-80-11-10 — General Ordinance No. G-11-81; Bill No. Z-81-05-25 — Zoning Map Ordinance No. Z-22-81; Bill No. Z-81-05-21 — Zoning Map Ordinance No. Z-21-81; Bill No. Z-81-05-03 — Zoning Map Ordinance No. Z-19-81; and Bill No. Z-81-03-06 — Zoning Map Ordinance No. Z-18-81; were passed by the Common Council on the 14th day of July, 1981, said Ordinances were signed and approved by the Mayor on the 20th day of July, 1981, and remains on file and on record in my office.	2	Size of quad upon which type is cast.....6.....

Amount is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Date Title **CLERK**

**PUBLISHER'S AFFIDAVIT**  
 State of Indiana  
 ALLEN County SS:  
 Personally appeared before me, a notary public in and for said county and state, the undersigned, **ARVILA DEWALD**, who, being duly sworn, says that she is, **CLERK** of the **JOURNAL-GAZETTE**  
 a **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows: **7/25 - 8/1/81**  
 Subscribed and sworn to before me this **1st** day of **Aug.** 19 **81**  
**Anne M. Perkins** Notary Public  
 My commission expires **November 29, 1981**

**Fort Wayne Common Council**

(Governmental Unit)

To JOURNAL-GAZETTE Dr.Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

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TOTAL AMOUNT OF CLAIM.

\$ 45.60**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

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Notary Public